

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

CHARLES A. POWELL and  
JANIS P. POWELL,

Plaintiffs,

v.

COUNTRYWIDE BANK, FSB et al.,

Defendants.

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Civil Action No. PX 16-1201

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**MEMORANDUM OPINION and ORDER**

Plaintiffs Charles and Janis Powell (“Plaintiffs”) commenced this action on January 21, 2016 by filing a complaint in the Circuit Court for Prince George’s County, Maryland. Defendants timely removed the case to this Court pursuant to 28 U.S.C. §§ 1331, 1367, 1441, and 1446. ECF No. 1. The complaint alleged various causes of action against Countrywide Bank; Bank of America; Bank of New York as Trustee for Securitized Trust CWABS Asset-Backed Certificates Trust 2007-13; Countrywide Home Loans; CWABS, Inc.; Countrywide Home Loans Servicing LP; Mortgage Electronic Registration System (“MERS”); and Does 1 through 100 inclusive. On October 14, 2016, the Court granted a motion to dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure filed by Defendants Countrywide Bank, FSB, Bank of America, N.A., Countrywide Home Loans, Inc., Countrywide Home Loans Servicing LP, and MERS. ECF Nos. 32, 33.

At the time the Court granted Defendants’ motion, Plaintiffs had failed to demonstrate proof of service as to Defendants Bank of New York as Trustee for Securitized Trust CWABS Asset-Backed Certificates Trust 2007-13 and CWABS, Inc. within 90 days after the filing of the

Complaint. The Court thus ordered Plaintiff to show good cause within fourteen (14) days of the date of that Order why the complaint should not be dismissed without prejudice as to these Defendants pursuant to Fed. R. Civ. P. 4(m) and Local Rule 103.8.a. Plaintiffs have not responded.

Accordingly, it is this 19th day of December 2016, by the United States District Court for the District of Maryland, ORDERED that:

1. the Complaint filed by Plaintiffs CHARLES A. POWELL and JANIS P. POWELL (ECF No. 2) BE, and the same hereby IS, DISMISSED WITHOUT PREJUDICE with respect to Defendants BANK OF NEW YORK AS TRUSTEE FOR SECURITIZED TRUST CWABS ASSET-BACKED CERTIFICATES TRUST 2007-13 AND CWABS, INC.
2. The Clerk will transmit copies of the Memorandum Opinion and this Order to Plaintiffs and Counsel for Defendants and CLOSE this case.

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/S/  
PAULA XINIS  
United States District Judge